

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

)	
)	
In the Matter of)	
)	
CERTAIN FLOORING PRODUCTS)	Investigation No. 337-TA-443
AND COMPONENTS THEREOF)	
)	
)	
)	

NOTICE OF A COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION TO
TERMINATE THE INVESTIGATION WITH RESPECT TO CERTAIN ASSERTED
PATENT CLAIMS

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 30) issued by the presiding administrative law judge (ALJ) granting complainants' unopposed motion to terminate the above-captioned investigation with respect to certain asserted patent claims.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202- 205-3012. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol.public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on December 27, 2000, based on a complaint filed on behalf of Alloc, Inc., Racine, Wisconsin; Berry Finance N.V., Oostrozebeke, Belgium; and Valinge Aluminum AB, Viken, Sweden (collectively complainants). 66 Fed. Reg. 1155 (2001). The notice of investigation

was published in the Federal Register on January 5, 2001. Id. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation, sale for importation, and sale within the United States after importation of certain flooring products by reason of infringement of claims 1-3, 5-6, 8-12, 14-15, 17- 36, and 38-41 of U.S. Letters Patent 5,860,267 (the '267 patent) and claims 1-14 of U.S. Letters Patent 6,023,907 (the '907 patent). Id. The complaint identified seven respondents: Unilin Décor N.V., Wielsbeke, Belgium; BHK of America, Inc., Central Valley, NY; Pergo, Inc., Raleigh, NC; Meister-Leisten Schulte GmbH, Rüthen, Germany; Akzenta Paneele + Profile GmbH, Kaisersesch, Germany; Tarkett, Inc., Whitehall, PA; and Roysol, Saint-Florentin, France.

On March 5, 2001, the ALJ issued an ID (ALJ Order No. 8) granting complainants motion to amend the complaint and notice of investigation to add allegations of infringement of claims 1, 8, 13- 14, 21, 26-27, 34, 39-41, and 48 of U.S. Letters Patent 6,182,410 (the '410 patent). The ID was not reviewed by the Commission. 66 Fed. Reg. 16495 (2001).

On October 18, 2001, complainants filed an unopposed motion to terminate the investigation with respect to claims 1-3, 5-6, 8-12, 14-15, 17-18, 20-22, 24-36, 38, and 40-41 of the '267 patent; claims 4-14 of the '907 patent; and claims 8, 13-14, 21, 27, 34, and 40 of the '410 patent. On October 19, 2001, the ALJ issued an ID (ALJ Order No. 30) granting the motion. No petitions for review were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 (h)(3) of the Commission s Rules of Practice and Procedure, 19 C.F.R. § 210.42(h)(3).

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: November 7, 2001